

NATURAL RESOURCES ADVISORY COUNCIL
Minutes of the December 13, 2006 Meeting

Members Present

Patrick Early, Chair
Amy Travis, Vice Chair
William Wert
Bill Pippenger
Donald Van Meter
Jim Tractman
David Lupke

Department of Natural Resources Staff

Ron McAhron	Executive Office
John Davis	Executive Office
Cheryl Hampton	Human Resources
Michael Crider	Law Enforcement
Bruce Stevens	Reclamation
Brock Mayes	Reclamation
John Seifert	Forestry
Phil Marshall	Entomology and Plant Pathology
Glen Salmon	Fish and Wildlife

Natural Resources Commission Staff

Stephen Lucas
Jennifer Kane

Guests

Glenn Lange	Cliff Sadof
Dick Mercier	Jodie Ellis
Tom Crowe	Gary Simon

Ray Moistner

Patrick Early, Chair, called the meeting to order at 10:35 a.m., EST in the Lawrence Room, in The Garrison Fort Harrison State Park, Indianapolis, Indiana. With the presence of seven members, the Chair observed a quorum.

Donald Van Meter moved to approve the minutes of August 30, 2006 minutes 2006. Jim Tractman seconded the motion. Upon a voice vote, the motion carried.

Donald Van Meter moved to approve the minutes of October 11, 2006 minutes. Jim Tractman seconded the motion. Upon a voice vote, the motion carried.

The Chair reported on the Natural Resource Commission meeting held on November 14, 2006. He indicated that the “one buck rule” was preliminarily adopted.

The Chair noted that Robert Carter, the newly appointed Director of the Department of Natural Resources, was not present due to a scheduling conflict. He asked John Davis, Deputy Director of Bureau of Lands and Cultural Resources, for an update on the appointment. Davis indicated the Kyle Hupfer tendered his resignation as DNR Director and has joined ProLiance Energy®. “He has been a great leader for us, energetic, and moved a lot of things forward. We were pleased to have him. We are sorry to see him go but happy his replacement is Robert Carter.” Davis said Director Carter served as the DNR’s Chief Law Enforcement Officer and was twice elected as Clay County Sheriff.

Davis introduced Col. Michael Crider, who was chosen by Governor Daniels to serve as Chief Law Enforcement Officer and the Director of the Division of Law Enforcement.

Discussion of Emerald Ash Borer (EAB)

Ron McAhron, Deputy Director of Bureau of Water and Resource Regulation, introduced this item. He indicated that the federal government recently imposed quarantine on ash movement out of Indiana. “We have had a series of internal quarantines predominantly in the northeastern part of the state and some in the northwest.” McAhron said the recent federal quarantine has “caused some confusion” regarding the interaction of the federal and state quarantines. He commented that today’s meeting is a “great forum” to discuss issues and “if there are conflicts . . . to help sort some of those out”. McAhron noted that he received a letter from Kenneth J. Rauscher, President of the National Plant Board dated December 12, 2006 regarding emerald ash borer. Rauscher requested that his letter be introduced into the record and that Indiana “maintain the internal quarantine.”

Phillip Marshall said he has been the Forest Health Specialist with the DNR’s Division of Forestry for “over 30 years” but is now working with the Division of Entomology and Plant Pathology managing forest pests. Marshall gave a brief history of the introduction of the emerald ash borer [EAB] in Indiana and explained how the pest is managed. He said that Michigan has been “a seed source for [EAB] as well as a seed source for gypsy moth.” He introduced Cliff Sadof, an entomology professor from Purdue University, and Jodie Ellis, Purdue’s Exotics Information Education Coordinator with. He said that Ellis has been contracted as the spokesperson for the DNR regarding EAB.

Cliff Sadof briefly explained that the intent of today’s presentation is to explain the purposes and goals of the existing quarantines. He said 7% of Indiana’s forest trees or timber stand is ash. “It’s a sizeable resource that we are trying to protect.” He noted that 7% “translates to 147 million ash trees in the forest and about three to ten million ash trees in the urban area. Nationwide, there are eight billion [ash] trees so we are talking about protecting not only the forest in Indiana, but we’re talking about the Nation’s resource.” He noted that over 20 million ash trees have already been killed since the detection of EAB in June 2002.

Sadof briefly explained the life stages of the EAB. The insect lays its eggs beneath the bark of the ash tree; the larvae feed on the circulatory system of the tree consuming “every last bit of cambium” eventually cutting off the tree’s circulation.

Sadof said that out of the 16 species of ash in North America “none of them are resistant to the EAB. We are not talking about losing a species; we are talking about losing an entire genus. It’s a catastrophe on the order of losing the American chestnut.” He indicated that the quarantine area within Indiana is “relatively small”. Sadof noted that two of the larger affected areas are within Steuben County and LaGrange County, where EAB was first detected, and the third largest is within Huntington County. He explained that the EAB will spread naturally by flying approximately ¼ to ½ mile per year. “They are not going to fly very far on their own, but they are very, very good at moving when people move infested logs.” The purpose of the quarantine is to “stop the movement” of firewood, raw wood, bark, dunnage, crating, nursery stock, and moving lumber with bark attached. Sadof explained that there is tri-level quarantine: township, county, and the state. “After EAB is found in a township, the entire county is placed in quarantine.” He said that ash logs can move anywhere within the quarantined township but cannot move outside the township boundaries, and the ash logs within a quarantine county cannot move outside into the uninfested counties without compliance certification. “The reason for this dual level restriction is because the greatest risk is in that [infested] township.”

Sadof said the third level of quarantine is on the federal level, which prevents the movement of any ash product outside of Indiana. He explained that Indiana would “act as a buffer zone as an added protection”. Sadof said the quarantine is in place to “minimize the risk of EAB spread; to protect the resource; and we want safe movement of ash trees during commerce”. He noted that the objective of the quarantine is “not to hinder commerce, because the timber industry helps us to maintain the forest.”

Jodie Ellis provided the Council with EAB information packets. She noted that 3,000 of the same packets were mailed to industry and individuals within Indiana who would be engaged in trimming wood. “We had quite a response from people who are interested in getting compliance agreements.”

The Chair asked, “Once [EAB] is there, how you can you get rid of them?” Sadof answered, “You can’t. These are established. We are not trying to eradicate the EAB; that’s simply not going to happen. We are trying to keep it where it is...which will buy us time”. Sadof said that this additional time will allow for more research on the biology and control of EAB. He noted that Michigan is currently conducting trials of selected harvesting, and leaving trap trees treated with insecticide, “with the hope that these trees that are remaining would lower the overall population of [EAB] and still lower the spread.” He also indicated that Dow AgriScience is producing new materials for aerial application. “It’s going to take time as to whether these materials work or not.”

Sadof said that EAB is a “very rare” beetle. “There was all of two pages published on it in the world. When the [EAB] came here, the population just exploded.” He indicated that detection of the presence of EAB is difficult, but “we are getting better at detecting

[EAB] at low levels.” He also said that there is potential for biological control such as wasps, which are “natural enemies” of the EAB, and are being imported from China. Sadof said that “each year the [EAB] is confined, we have better tools” for management.

Donald Van Meter asked, “What does it take to get lumber with no bark on it out of a quarantined area?” Marshall answered that the lumber would be inspected by nursery inspectors, and then a “limited permit” or compliance agreement would be issued. He recommended that lumber leaving a quarantine area be cut to ½ inch slabs. Marshall explained that in the fall and until May the insect is “totally” inside the tree. “There are no other life stages in nature other than under the bark of the tree.” Marshall said that the DNR, Division of Entomology and Plant Pathology is cooperatively working with USDA APHIS, the entity that is inspecting sawmills and loggers and issuing compliance agreements, in order “to manage the movement of ash”.

Amy Travis asked whether the compliance and regulations were being “well received” by the foresting industry. Marshall answered, “Well, to my knowledge, I thought they were, but perhaps they are not.”

William Wert asked whether there is an “accelerated” ash tree harvest outside or adjacent to quarantine areas. Marshall answered, “Generally, yes.”

Ray Moistner, Executive Director of the Indiana Hardwood Lumbermen’s Association (IHLA), said the IHLA represents Indiana’s largest agricultural sector. “Hardwoods employ 50,000 Hoosiers and pump \$9 billion annually into the state’s economy according to the BioCrossroads Report and the Office of the Lt. Governor.” Moistner noted that Indiana exports \$4 million worth of hardwood saw logs to different global markets, and it has been a “featured and prominent player in the most recent gubernatorial trade missions overseas”.

Moistner said that IHLA members are “primarily” sawmills and wood processing companies “although we do cover all ends of the spectrum in our membership from the landowners to the loggers to the primary timber mills to the secondary manufacturers of furniture, flooring, cabinets, and more”. He said that IHLA’s mission statement is: “Working to insure an affordable, sustainable supply of quality North American hardwoods for the public good.” Moistner said that in northern Indiana ash represents about 15% of the woods and about 10% of the total saw timber production. “We believe without question that the quarantine is certainly necessary as a means to stop the spread of the EAB.” At the same time, he said the quarantine presents “challenges” to the industry and places “various hardships” on the IHLA membership. “Our challenge then is to come together as an industry, government, regulatory agencies, academia to minimize our losses, and more importantly to work towards the eradication of [EAB]”. He added that all perspectives need to be “clearly” understood.

Moistner said that markets need to be found for ash so that “maximum amounts can be harvested before [ash trees] lose their value from disease and decay and finding ways for businesses to easily comply with regulations”. He recommended an expedited federal

certification process. He also noted that landowners, whose assets are “critically at risk,” should not be overlooked.

Moistner noted that Indiana’s State Entomologist found that the removal of ash trees surrounding an infested area “has not proved to be an effective approach to controlling the spread of the EAB because of the near impossibility of detecting new infestations.” Moistner said, “We have to assume the spread [of EAB] is already well beyond the quarantine areas”. He indicated that from a market perspective ash is a “depressed” species “already, mostly” because of the large increase in supply that has been “dumped” into the market. Moistner said that risk of injury is increased when cutting dead ash versus healthy trees. Regarding ash in forested areas, Moistner said it is “not economical to enter a mixed stand area for the purpose of salvaging a single species.”

Moistner said that education of the IHLA membership about EAB began three to four years ago. He gave an example of how the quarantine affects business. He said there is a northern Indiana sawmill, which also is a “major” manufacturer of firewood in the state and the Midwest. Moistner said the owner of this sawmill has a “lifetime of experience in forestry and in the industry itself. [The owner] is not ignorant of the content of his product, and [the owner] can easily differentiate between ash and other species in order to keep ash out of his firewood bundles.” Moistner noted that the owner “would like to see an exemption for suppliers, like [the owner], who have shown good faith compliance”. Moistner said that it was “critically important” that the state and federal government continue to support the work being done by the Hardwood Tree Improvement Regeneration Center.

Moistner said ash trees are prolific seeders, and the trees are a dominant species when in the forest “so it’s best to get them out of the woods as soon as possible to prevent the spread of the diseased trees.” He indicated that the IHLA membership is the “most qualified and abundant resource” available to solve the EAB problem.

John Davis introduced Indiana’s State Forester and Director of the DNR’s Division of Forestry, John Seifert. Seifert indicated that Tom Crowe, a consulting forester, has been one of the “biggest promoters of looking at how we solve this [EAB] problem collectively as opposed to just regulatory”. Crowe noted that 75% of his consulting area is affected by the EAB quarantine. He said EAB is “very difficult” to find, and Michigan was “very slow in reacting. If something is difficult to find, reacting is too late. You have to be proactive.” He also indicated that the history of finding solutions to insects that attack the vascular systems is “very poor”, and he “anticipates that a lot of our ash are going to be gone”. Crowe said that, to manage the forests, ash needs to be removed.

Crowe said many timber companies “believe they found [EAB] in a lot of counties that are not quarantined.” He also indicated that companies, if they have sawmills in an unaffected township, will not report EAB infestation in that township. “The current township quarantine is causing a lot of problems.” Crowe noted that Noble County is surrounded by quarantine counties on three sides. “I’m confident [EAB] is in Noble

County.” He also said that Wells, Elkhart, and LaPorte Counties are probably affected because of their geographic proximity to quarantine counties.

Crowe said that the quarantine has to be “more proactive and not reactive”. He also noted that industry has been compliant, but industry has been “left out of a lot of the decision making that has gone on. They have the most people out in the woods everyday. They are the ones out there. They are seeing the top of the trees when they cut them down. They can look for [EAB].”

John Davis encouraged all groups to get together to further discuss details to “get some common ground”.

Discussion of Spotlighting (Poaching or Not)

The Chair noted that he has received many calls from persons regarding legality of spotlighting. He said that spotlighting itself is not illegal, but spotlighting an animal and shooting it is illegal. Col. Michael Crider, Director of the Division of Law Enforcement, explained that persons spotlighting from vehicles are “routinely” stopped. “The difficulty is that there is no way to separate the criminals from the people who are just out enjoying an evening.” Crider noted that he has been approached by members of the Indiana General Assembly who are interested in introducing legislation which would “basically make it unlawful to spotlight during a period of the year”. He also indicated that farmers have complained regarding spotlighting of their equipment, barns, house and animals.

Crider said, “You can actually influence the patterns of deer by shining lights on them.” He said that deer within a poached area associate spotlights with firearms and will run. “The only thing we can do currently is take the complaints that we receive and try to be a little bit creative when we use our decoys.” He said Representative Cherry, a farmer, is interested in presenting legislation that would make it illegal to possess a spotlight after 10:00 p.m. from October 1 to end of deer season while in a motor vehicle. Crider said Senator Jackman, also a farmer, has the same interest in presenting similar legislation to prohibit spotlighting.

Crider said that the Conservation Officers are “pretty successful” in catching poachers. He said a law prohibiting spotlights after a certain time would “make things a little easier for the officer”.

Amy Travis said that a total prohibition may not take into account persons spotlighting for legitimate reasons such as looking for a lost child, dog or cow. Crider said there were agricultural exceptions included in the previously proposed legislation. “The-looking-for-the-dog thing is an excuse that has been used for many years.” He summarized by saying that the spotlighting issue is a “challenge”.

Donald Van Meter inquired how surrounding states have addressed the spotlighting issue. Crider responded that some states currently have spotlighting prohibitions similar to what has been discussed today. In other states, spotlighting is unlawful.

Van Meter asked whether spotlighting is a statewide issue. Crider said that if deer habitat is abundant in a certain area, that is where spotlighting will occur. David Lupke said a large portion of Indiana's wildlife is nocturnal or crepuscular. "That means that the only time that the public has the opportunity to view wildlife and enjoy wildlife in its native surroundings is in the evening or morning." He said a complete ban on spotlighting is "probably not beneficial to overall public enjoyment of the outdoors and wildlife", but a spotlighting ban during hunting season, "especially after 10:00..., is reasonable".

Lupke said that he would prefer an adoption of a rule through the Commission rather than through legislation. "The [Commission] seems to be a more nimble rulemaking body than the legislature." Amy Travis said that a rule would not get "judicial backing" as would a statute.

William Wert asked whether court punishments were "severe enough" to be a deterrent to poaching. Crider said if the court prosecutes, the punishment is "typically severe enough."

Dick Mercier, representing the Indiana Sportsmen's Round Table, observed the spotlighting issue is a "very, very complicated thing." He said members of the Round Table who are trappers "like to drive down the road and shine their lights on their traps underneath the bridges and so forth."

Status Report on Glendale Fish and Wildlife Area and Coal Mining Concept

John Davis introduced Bruce Stevens, the Director of the Division of Reclamation. Stevens provided a brief overview of coal mining in Indiana. He said Indiana is eighth nationally in coal production with approximately 24 producing coal mines. He also noted that the "prognosis" of coal mining in Indiana is that "it is going to increase" with the availability of improved technology.

Stevens said that Solar Sources, Cannelburg Mine is approximately three to four miles north of Glendale Fish and Wildlife Area. He said Solar Sources obtained a permit in late August of 2006 for exploratory drilling in 1,300 acres of Glendale, which is an 8,000 acre wildlife area. Stevens indicated that there may be several coal seams, and when combined, as much as ten feet of coal. He said the area within Glendale is not conducive to underground mining or large enough to accommodate a dragline. If mining were to occur, the "mining operation would be a truck shovel off". After any mining, the area would be reclaimed and available for reuse as recreation and farmland within 18 months to two years. There are three permits that would be associated with mining: exploratory mining permit; mining permit; and extraction of minerals on state lands. Stevens said a royalty would be paid to the state of \$1.50 per one ton of coal, and a bonus or fixed fee

per acre, which is typically in-kind acreage. He also noted that a permit to extract minerals from state lands must be approved by the agency and signed by the Governor. Bonds are also required, and the agency or the Governor may require additional terms or conditions to the permit. He said most of Indiana's fish and wildlife areas are reclaimed mine land, such as Blue Grass FWA, Minnehaha FWA, and Sugar Ridge FWA.

Donald Van Meter asked, "Would fish and wildlife activities be able to be done on the portion of those 1,000 acres that wasn't being mined at that time?" Ron McAhron explained that the entire area would have to be removed from the current use. "The area would have to be idle on the order of ten years."

John Davis said that he, Kyle Hupfer, Ron McAhron, Bruce Stevens and others held a public meeting in Daviess County with 400 to 500 persons in attendance. "I think we had a very good meeting." Davis noted that land would be taken out of production. He said "very powerful" persons within the U.S. Fish and Wildlife Service actively took part in acquiring Glendale FWA in the 1960s. "They are very tough to satisfy, and they are very concerned about the lake.... The U.S. Fish and Wildlife Service believes [the lake] is a huge asset, and we agree". Davis noted, however, that mining has been conducted in the watershed for the past 20 years.

Davis said it was "logical" for Solar Sources to approach the State regarding the probability of the existence of coal within Glendale FWA. "It's logical for us to... acknowledge there may be coal in the area and try to understand what that means." He said mining has been done before on Green-Sullivan State Forest. "We made a couple million dollars and we received about 1,000 acres", which is the Dugger Unit, "in addition to the acreage that will be returned to us after mining is finished." Davis added, "There is not a general feeling of support by the people in Daviess County. It would be difficult to convince our partners. All those things are out there for us in our world of exploring what assets are at Glendale." He said the DNR just received the results of the exploratory drilling, and "we are working on how to make those [results] accessible to everybody." Davis also said that it may be beneficial for coal companies to speak to people in Daviess County as well as recreational users. "The offer would have to be very, very beneficial to us."

Ron McAhron said the mining of Glendale FWA is "something you just have to explore from a stewardship standpoint."

Dick Mercier commented that in the 1960s Glendale FWA was acquired, and "it was done...for the purpose of giving us a great place to run horseback field trials. A couple of years ago, they came along and ran us off that particular property saying that our horses were damaging and creating all kinds of problems. I can't believe that our horses and dogs running on that property were causing problems that coal mining would on there."

The Chair asked that the Council be kept informed of any further developments.

Next Meeting of the Natural Resources Advisory Council

The next meeting of the Natural Resources Advisory Council is scheduled for the Indiana State Museum on March 13, 2007 to begin at 9:30 a.m., EDT (8:30 a.m., CDT).